IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1496 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01-12-2003 in W.P.No.23356 of 2003 on the file of the High Court.)

Between:

The District Cooperative Central Bank,
Rep.by the Branch Managaer.

..... APPELLANT

AND

1. U.Pullanna, S/o. U.Veeraiah,
   Branch Managar(dRetd.,) H.No.80-11-120-5,
   Upstairs, Abbasnagar, Kallur, Kurnool.
2. The District Cooperative Officer-cum-Dy.Registrar
   of Cooperative Societies, Kurnool, Kurnool District.
   (2nd respondent is not necessary party in this appeal)

...RESPONDENTS

The Court made the following:

JUDGMENT: (Per JC,J)

The only ground submitted by the learned counsel for the appellant is that while allowing the writ petition, the learned single judge imposed costs of Rs.5000/- on the appellant-second respondent payable to the first respondent-petitioner, which according to him is unwarranted and would cause stigma on the bank.

The factual situation of the case, in our considered view, perfectly justifies the award of costs to the first respondent as the first respondent was unjustifiably denied refund of amount, which he deposited pursuant to a conditional interim order during the pendency of the appeal preferred by him before the Tribunal. Though the appeal was allowed, on some pretext or the other the deposit made by the first respondent pursuant to the interim order was not refunded to him by the appellant.

In the circumstances, we do not see any reason to interfere with the order under appeal. The writ appeal is dismissed at the admission stage. No order as to costs.

_____

J.CHELAMESWAR, J

_____

GODA RAGHURAM, J

LSK/PVSN

To

1. The Branch Manager,

District Co.operative Central Bank,
Kurnool.

2. Two C.D.copies.

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE GODA RAGHURAM

-
-
-
-
-

WRIT APPEAL (SR) NO : 26485 of 2004

(JUDGMENT DELIVERED BY HON'BLE SRI JUSTICE J. CHELAMESWAR)

DATED: 21-09-2004